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ABSTRACT

A 1972 American Bar Association (ABA) directive to develop standards for accreditation of formal education programs directed to the training of legal paraprofessionals resulted in the "Guidelines for the Approval of Legal Assistant Education Programs." To extend the availability of legal service, the ABA has defined the role of legal assistant. As one approach to demonstrating competence in the position, the ABA drew up standards for an accredited program. It is not intended that the existence of such programs should limit entry to the career field by other means. The ABA will review those programs which are consistent with sound educational policies and meet its criteria regarding organization and administration, the program itself, the faculty, admission and student services, the library, and the physical plant. The authority to grant and to withdraw approval is vested in the ABA, and the Special Committee on Legal Assistants shall be the authority for the guidelines. (AG)

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GUIDELINES FOR THE APPROVAL OF LEGAL ASSISTANT EDUCATION PROGRAMS

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AMERICAN BAR ASSOCIATION

ED 091578

GUIDELINES FOR THE APPROVAL OF LEGAL ASSISTANT EDUCATION PROGRAMS*

The development of these Guidelines by the Special Committee on Legal Assistants was made possible through a grant from the American Bar Endowment to the ABA Fund for Public Education. Criteria explaining these Guidelines in greater detail are now being prepared by the Special Committee.

*As approved by the American Bar Association House of Delegates on August 7, 1973.

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INTRODUCTION

The American Bar Association has a basic commitment to make legal services available to all segments of society. A major way this can be accomplished is through the increased use of legal assistants. This commitment was clearly enunciated in the report of the Association's Committee on Availability of Legal Services in 1968 which recommended that:

1. The legal profession recognize that there are many tasks in serving a client's needs which can be performed by a trained nonlawyer assistant working under the direction and supervision of a lawyer;

2. The profession encourage the training and employment of such assistants; and

3. There be created a special committee of the Association to consider the subject of lay assistants for lawyers.

The adoption of these recommendations by the House of Delegates in 1968 constituted formal acknowledgement by the Association of not only the general desirability of encouraging the use of legal assistants, but also the specific responsibility of the organized bar with respect to all aspects of the training and employment of these individuals.

In February, 1972 the House of Delegates of the American Bar Association directed the Special Committee to concentrate its efforts on several activities including "the development of standards for accreditation of formal education programs directed to the training of legal paraprofessionals."

Pursuant to this directive, the Special Committee on Legal Assistants prepared the following Guidelines for the Approval of Legal Assistant Education Programs.

A first draft was prepared in April, 1971 as a part of the Proposed Curriculum for the Training of Law Office Personnel. This first draft was widely circulated with approximately 7,000 copies distributed. A second draft was prepared and circulated in May, 1973. A conference was held at the University of Denver School of Law on May 19, 1973. Approximately 50 persons were present, including representatives of the following American Bar Association sections and committees: Committee on Professional Utilization, Standing Committee on Economics of Law Practice, Young Lawyers Section/Military Service Lawyers Committee, Standing Committee on Ethics and Professional Responsibility and Section on Legal Education and Admission to the Bar. Deans and directors of institutions offering education courses for legal assistants, law school deans and faculty members, the Association of Independent Colleges and Schools, The National Association of Legal Secretaries and The Association of American Law Schools were also present. A final draft was prepared and adopted by the Committee at its meeting on June 16, 1973.

The Committee recognizes that an individual's ability to perform as a legal assistant may be evidenced in a number of ways including formal education programs, on-the-job training and/or work experience and by the successful completion of an examination. Although this document is concerned only with formal education programs for the training of legal assistants, it is not intended to limit entry into this career field by other means. While the Committee is aware that a variety of educational programs may provide an opportunity for the education of legal assistants, it has determined that standards should be developed for the accreditation of programs of not less than sixty semester or ninety quarter hours.

The Committee attaches considerable importance to the contribution to be made by interested and affected organizations in the amplification of the Guidelines. It therefore proposes to continue to consult with these organizations in the further development of the Guidelines and the detailed criteria including the definition of the role of the legal assistant.

GUIDELINES

GENERAL PURPOSES, PROCEDURES AND DEFINITIONS

101 The American Bar Association is vitally and actively interested in ways and means of extending legal services in the United States. These Guidelines for the Approval of Legal Assistant Education Programs by the American Bar Association are promulgated in pursuance of that objective.

102 The American Bar Association believes that there should be a number of ways in which a person can demonstrate his competence as a legal assistant, one of which is the completion of an accredited program as determined by this document. Although this document is concerned only with formal education programs for the training of legal assistants, it is not intended to limit entry into this career field by other means.

103 In order to obtain or retain approval by the American Bar Association, a program of education of legal assistants must demonstrate that its program is consistent with sound educational policies. It shall do so by establishing that it operates in accordance with the Guidelines.

104 The authority to grant and to withdraw approval is vested in the American Bar Association.

105 A legal assistant program will be considered for approval when it has been fully operational for two years and has graduated students.

106 An approved school should seek to exceed the minimum requirements of the Guidelines.

107 As used in the Guidelines:

(a) "Program" means a program of education for legal assistants;

(b) "Committee" means the American Bar Association Special Committee on Legal Assistants.

ORGANIZATION AND ADMINISTRATION

201 The parent institution shall provide the resources necessary to accomplish the objectives of its legal assistant education program and the program shall be so organized and administered as to utilize fully those resources.

202 With regard to finances, staffing, faculty rank and salary, appointment to policy-making bodies, program priorities and other academic affairs, the legal assistant education unit shall be given status within the parent institution comparable to other units of similar size and function.

203 The legal assistant education program, including programs offered by law schools, shall have an advisory committee including practicing lawyers, legal assistants from the public and private sector, faculty and school administrators and one or more members of the general public.

204 The parent institution shall maintain equality of opportunity in its education programs without discrimination or segregation on the grounds of race, color, religion, national origin or sex.

205 The present and anticipated financial resources of the parent institution shall be adequate to sustain a sound legal assistant training program.

206 Legal assistant education programs will be considered for approval if they are offered by law schools, four-year colleges and universities, two-year colleges, comprehensive technical institutes or vocational schools.

EDUCATIONAL PROGRAMS

301 The parent institution shall maintain a program for the education of legal assistants that is designed to qualify its graduates to be employed in law-related occupations, including public and private law practice and/or corporate or government law-related activities.

302 The program may emphasize some legal specialties and give less attention to others. If a parent institution offers such a program, that program and its objectives should be clearly stated.

303 The program of education for legal assistants shall be:

(a) At the post-secondary level of instruction;

(b) At least sixty semester or ninety quarter hours with not less than forty-five semester hours devoted to general education and law-related courses. The remaining fifteen hours should be devoted to legal specialty courses;

(c) Offered by a parent institution accredited or eligible for accreditation by an agency recognized by the National Commission on Accrediting, the U.S. Office of Education or an officially recognized state accrediting agency; and

(d) An integral part of the parent educational institution.

FACULTY

401 The program director and instructors must possess education, knowledge and experience in the legal assistant field.

402 The program director shall be a full-time member of the faculty of the parent institution.

403 In the program of education for legal assistants, the parent institution shall establish and maintain conditions adequate to attract and retain a competent faculty.

ADMISSIONS AND STUDENT SERVICES

501 The admission policies of the program of education for legal assistants shall be designed to enroll students qualified for and interested in careers as legal assistants.

(a) A student admitted to the program must have a high school diploma or have passed an equivalency examination.

(b) Students are selected on a basis consistent with the philosophy and objectives of the program.

(c) A number of admission criteria, both objective and subjective, should be used to reflect a rational process for selecting students so that success as legal assistants can be reasonably predicted.

(d) Students may be admitted with advanced standing when their performance in parallel courses at other institutions or on special qualifying examinations meets established achievement standards.

502 Student services of the program shall provide for:

(a) A well-organized plan for counseling and advising students and assisting graduates in securing suitable employment; and

(b) Student participation in areas of curriculum review and development, in course and faculty evaluation and in all other matters relating to conduct and improvement of the program.

503 Pursuant to an established policy, the parent institution, without requiring compliance with its admission standards and procedures, may permit the enrollment in a particular course or limited number of courses, as auditors, non-degree candidates or candidates pursuing degrees in other areas.

LIBRARY

601 The parent institution shall have available a library adequate for its program of education of legal assistants.

PHYSICAL PLANT

701 The physical facilities of the parent institution shall permit the accommodation of varying teaching methods and learning activities.

702 Space, equipment and other instructional aids should be sufficient for the number of students enrolled in the program.

703 Faculty, administrative and other staff should have office and work areas suitable for performing their duties.

AUTHORITY

801 Consistent with the Guidelines, the Special Committee on Legal Assistants shall have authority to:

(a) Interpret the Guidelines;

(b) Adopt rules implementing the standards;

(c) Adopt procedural rules for the initial application by parent institutions and approval of programs of education for legal assistants and for the review and reinspection of approved programs; and

(d) Amend any rules from time to time.

All interpretations and rules shall be published and shall be available to all interested persons.

802 The Committee shall have the authority to consider any request for approval of a program of education for legal assistants. If the Committee decision is that approval should be granted, it shall so recommend to the ABA House of Delegates.

ADOPTION AND AMENDMENT

901 These Guidelines become effective upon their adoption by the House of Delegates.

902 The power to approve an amendment of the Guidelines is vested in the House of Delegates, but the House of Delegates will not act on any amendment until it has first received the advice and recommendations of the Special Committee on Legal Assistants.